

**THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Case No. 23-03085-01-CR-S-MDH**

**ROBERT NORMAN KENNEDY,**

**Defendant.**

**ORDER**

After the United States moved for pretrial detention, a hearing was held in this matter pursuant to 18 U.S.C. § 3142(f). The defendant was present personally and was represented by counsel Shane Cantin, attorney at law. The United States was represented by Cameron Beaver, Assistant United States Attorney.

An indictment has been returned alleging that the defendant committed an offense involving a minor victim. There exists therefore a rebuttable presumption that there are no conditions which would reasonably assure appearances at all proceedings, as required, and the safety of other persons and/or the community. *See* 18 U.S.C. § 3142(e)(3)(E). Based on the evidence presented at the hearing, there are no conditions that the Court can impose that would reasonably assure the defendant's appearance at all scheduled hearings and the safety of other persons or the community.

The factors to be considered by the Court in determining whether the defendant should be detained pending trial are enumerated in section 3142(g). The Court has already noted that this case involves a minor victim.

Regarding the potential for failure to appear, the Court notes the offense charged, defendant's lack of verifiable, legitimate employment, lack of a verifiable and suitable home plan, no family support, anti-government beliefs and affiliations, and lack of familial, residential, community, employments, property, and financial ties. The Court also notes defendant's criminal history which includes, but is not limited to, the following: criminal activity while under supervision; record of failure to appear; history of absconding; and probation and parole non-compliance.

Regarding potential danger to the community, the Court notes the nature of the instant offense, defendant's lack of a suitable and verifiable home plan, safety concerns for the community and minor victim, criminal association, and violent extremist status. The Court notes that the charge involves a sex offense and a child. The Court also notes defendant's criminal history which includes, but is not limited to, the following: prior arrests and convictions; criminal activity while under supervision; allegations involving a sex offense; allegations involving a child; probation and parole non-compliance; and pattern of similar criminal activity history.

Based on all the foregoing, the Court finds by a preponderance of the evidence that the defendant is a risk of flight and finds by clear and convincing evidence that the defendant is a danger to the community.

**IT IS THEREFORE ORDERED** that the defendant be and is hereby detained without bail.

**IT IS FURTHER ORDERED** that the defendant be committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States, or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**IT IS SO ORDERED.**

**DATED: December 27, 2023**

/s/ *David P. Rush*  
**DAVID P. RUSH**  
**United States Magistrate Judge**